IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lorna Saylor o/b/o A.H.,)	
Plaintiff,)	C/A No.: 0:05-0053-MBS
vs.)	
Jo Anne B. Barnhart, Commissioner of Social Security,)	OPINION AND ORDER
Defendant.))	

Plaintiff Lorna Saylor filed an application for supplemental security income payments on behalf of A.H., a minor child, on July 28, 1998. Supplemental security income was awarded on October 19, 1998, based on disability because of mental retardation. A.H.'s disability status was terminated as of September 2002 based on a finding that she no longer had an impairment or combination of impairments of such severity as to meet the standards of any Listing. The cessation of benefits was affirmed upon reconsideration. Plaintiff requested a hearing before an administrative law judge ("ALJ"). The ALJ held a hearing on July 27, 2004. On September 24, 2004, the ALJ issued a decision that A.H.'s eligibility for supplemental security income under sections 1602 and 1614(a)(3)(C) of the Social Security Act ended effective November 30, 2002. The decision of the ALJ became the "final decision" of the Commissioner on December 2, 2004, after the Appeals Council determined that there was no basis for granting Plaintiff's request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the "final decision" of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. On January 4, 2006, the Magistrate Judge filed a Report and Recommendation in which he determined that the

ALJ's findings were supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the decision of the Commissioner be affirmed. No party filed an objection to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. <u>Camby v. Davis</u>, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly,

It is ORDERED that the Commissioner's decision be affirmed.

IT IS SO ORDERED.

/s/ Margaret B. Seymour United States District Judge

Columbia, South Carolina

January 30, 2006.